

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



NOVEMBER 22, 1991

ALL COUNTY LETTER NO. 91-118

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: AFDC HOMELESS ASSISTANCE REGULATION REVISIONS

REFERENCE: MPP SECTION 44-211.5, ACL NO. 91-58

This All County Letter provides the draft revisions to the AFDC Homeless Assistance (HA) regulations as a result of the public hearing. The revisions were made primarily to clarify the August 1, 1991 revisions. The proposed effective date of these revisions is January 1, 1992.

Revisions to the existing regulations are double-underlined. Deletions to the regulations are shown as strikeouts with an "X".

For policy clarification, please contact Teri Pressley of the Welfare Policy Implementation Bureau at (916) 657-3417 or CALDEX 437-3417.


for ROBERT A. HOREL
Deputy Director

Attachments

cc: CWDA

Adopt Section 40-012 to read:

40-012 IMPLEMENTATION OF AMENDMENTS TO THE HOMELESS ASSISTANCE
SPECIAL NEED

40-012

- .1 This regulatory action which consists of adopting, amending and repealing language in Section 44-211.5 shall begin with requests for Homeless Assistance received on or after August 1, 1991 in order to comply with Welfare and Institutions Code Sections 11271, 11272, and 11450 (Chapter 97, Statutes of 1991).

Authority Cited: Sections 10553 and 10554

Institutions Code.

Reference: Sections 10850, 1:
Institutions Code;
and 45 CFR 206.10(a)

For
15-DAY

11450(f)(2), Welfare and
45 CFR 206.10(a)(1)(ii),

10-23

DRAFT

Amend Section 44-211.5 to read:

44-211

44-211 SPECIAL NEEDS IN AFDC (Continued)

.5 Homeless Assistance

.51 General

A homeless AU seeking permanent housing is eligible to receive homeless assistance. Homeless assistance is available to meet the reasonable costs of securing permanent housing and is also available to meet the costs of temporary shelter while the AU is seeking permanent housing.
(Continued)

.51~~7~~3 An AU is eligible for the nonrecurring special need payment for homeless assistance for one incident of homelessness in a consecutive ~~12~~24-month period. A homeless assistance payment may be granted for either, or both, temporary shelter or permanent housing. A permanent housing payment may be granted whether or not a payment for temporary shelter has been issued.

(a) (Continued)

(b) The incident of homelessness and the 24-month period begins in the month in which the first homeless assistance payment is issued.

(c) The incident of homelessness ends when the AU receives the payment for permanent housing or the 24-month period expires, whichever occurs first.

HANDBOOK BEGINS HERE

(1) Example:

On January 1, 1990, an AU received temporary shelter benefits. The AU requests permanent housing benefits on April 1, 1991. The county determines the AU is eligible for permanent housing benefits and the payment of the permanent housing benefits completes the incident of homelessness begun in January 1990.

HANDBOOK ENDS HERE

.51~~7~~3 An otherwise eligible AU that has received a homeless assistance payment within the preceding ~~12~~24 months may be eligible to receive a new homeless assistance payment under the following conditions: (Continued)

~~XX13E~~ ~~Continued~~ ~~When homeless assistance has been granted under MFF~~
~~XX211.3, the beginning date of aid is the date of the first~~
~~homeless assistance payment.~~

.516~~7~~5 (Continued)

.517~~6~~6 The county shall comply with an AU's written request to make payments to the AU or to the providers of temporary shelter, permanent housing or utilities unless the conditions in Section 44-211.51~~7~~7 exist. (Continued)

.518~~7~~7 The county shall make restricted payments when the county establishes a finding of mismanagement of AFDC cash assistance. A restricted payment is a direct payment to a provider of temporary shelter, permanent housing or utilities for any future homeless assistance payments associated with the incident of homelessness ~~XXX THE CWD ESTABLISHES A FINDING OF MISMANAGEMENT OF AFDC CASH ASSISTANCE.~~

(a) Mismanagement exists only when:

- (1) The county determines that the homeless assistance payment was not used for shelter; or
- (2) The AU fails to provide verification that the temporary shelter payment was spent on shelter and/or as required under Sections ~~44-211.524(d) and 44-211.532(d)~~ for permanent housing; or
- (3) The AU provides verification which shows the homeless assistance payment was not paid to a provider specified in Section 44-211.526.
- (4) The recipient's homelessness is the result of the failure to pay rent, other than for the following:
 - (A) A rent increase which results in the AU's rent or share of the rent being over 80 percent of the maximum aid payment, without special needs, for an AU of that size. A sudden and unusual circumstance beyond the recipient's control.
 - (B) Reasonable exercise of a tenant's right to withhold rent for cause.
 - (C) Domestic violence by a spouse, partner, or roommate.

(b) The CWD shall do all of the following when restricted payments are provided to an AU:

- (1) Issue the vendor or two-party payment by one of the following methods, at the discretion of the CWD:
 - (A) Mail or delivery to the AU for delivery to the service provider.

DRAFT

(B) Mail or delivery directly to the service provider.

(2) Develop greater ability on the part of the recipient to manage funds in such a manner as to protect the welfare of the family by:

(A) Providing each family with informational materials.

(B) Referring the family to appropriate services where such services exist.

.52 Temporary Shelter

The temporary shelter payment may be available no more than once in 24 ~~12~~ months to a homeless AU for temporary shelter, when the AU is also seeking permanent housing. (Continued)

.522 An AU is not eligible to receive the temporary shelter payment if it has already been granted permanent housing assistance during the 12~~24~~-month period described in MPP 44-211.51~~3~~ except:

(a) An AU may receive temporary shelter assistance, after it has been granted permanent housing assistance, when the AU still needs temporary shelter prior to assuming occupancy of the permanent housing, provided that the temporary shelter ~~2116-107 28~~~~when good cause is established~~ consecutive-day limit has not expired.

.523 (Continued)

.524 An AU determined to be homeless may be eligible for up to 16 ~~21~~ ~~28~~ consecutive days of temporary shelter assistance, regardless of the CWD's schedule for issuance of payments.

(a) The 16-consecutive-day period begins on the first day for which a temporary shelter payment is provided to an AU.

~~(b)~~ The AU must request all temporary shelter assistance before the end of the 2116-128~~28~~ consecutive-day limit.

~~(c)~~ The AU must provide verification of shelter expenditures and a housing search to receive reimbursement for temporary shelter assistance for expenses incurred within the 2116-128~~28~~ day period.

~~(d) XX XXXXX TEMPORARY SHELTER PAYMENT XXXX XX XXXXX XX XX~~
~~XX XXXX XXXXXX SHELTER~~ Unless homelessness has been
verified an initial temporary shelter payment shall be
issued for up to three working days plus any nonworking
days that are bracketed by the working days. If
homelessness has been verified, payments are issued in
accordance with Section 44-211.524(f) which permits an
extension of benefits. ~~The 21-consecutive-day limit shall~~
~~be extended an additional seven consecutive days for good~~
~~cause.~~

HANDBOOK BEGINS HERE

(1) EXAMPLE:

An AU requests temporary shelter on a Thursday. The
following Monday is a national holiday and the CWD
will be closed. The CWD will issue temporary shelter
benefits for six days to pay for Thursday through
Tuesday nights' shelter.

HANDBOOK ENDS HERE

~~(d)~~ The CWD shall verify the family's homelessness within the
first three working days.

(1) The CWD shall refer the AU to its early fraud
prevention and detection unit for assistance in the
verification of homelessness when the AU meets the
criteria outlined in Section 20-003.2 or 20-005.322.

~~(2)~~ Other than referrals made pursuant to Section 44-
211.524 ~~(d)~~ (1), the CWD shall obtain the AU's consent
for the release of information to verify
homelessness.

(3) If the CWD is unable to verify that the AU is
homeless, the AU must complete and sign a statement
under penalty of perjury which includes the following
information:

(A) A statement of liability for providing false
information.

(B) Name, address and telephone number of previous
landlord.

(C) Location where the AU is currently staying.

(f) After homelessness has been verified, benefits shall be issued ~~on a weekly basis thereafter up to seven days for a maximum total of 16 consecutive calendar days. An extension of benefits beyond the initial payment shall be based upon:~~

- (1) The CWD's verification of the AU's homelessness within the first three working days.
- (2) The AU's continuing need for temporary shelter benefits.
- (3) The AU's documentation of a search for permanent housing while receiving temporary shelter benefits.

(A) The CWD shall issue a housing search form to the AU for the AU to document its search for housing.

(i) Other than cases of suspected fraud handled by the fraud unit, when the county chooses to make a collateral contact to verify housing search, the CWD must obtain the AU's consent.

(B) A minimum of one contact with prospective landlords for each day the AU receives temporary shelter benefits shall be required unless the AU has good cause for not searching for housing. An AU may contact prospective landlords in person, by telephone, or in writing.

HANDBOOK BEGINS HERE

(ix) EXAMPLE

An AU requests temporary shelter benefits on a Monday and is issued three working days of benefits and a search form by the CWD. The AU returns to the CWD on Thursday. The search form shows that the only contacts were with three landlords on Thursday prior to returning to the CWD. If the CWD has verified the AU's homelessness and the AU still needs temporary shelter assistance, the CWD will consider the AU to have cooperated

with the housing search requirement in Section 44-211.524 (f) (3) (B), and issue up to seven more days of temporary shelter benefits.

HANDBOOK ENDS HERE

10/1/17 (ii) Good cause for not searching for permanent housing includes, but is not limited to, the following situations:

1/1/17

a.

~~THE AU DOES NOT HAVE ACCESS TO A TELEPHONE, EITHER THROUGH HAVING ONE ITSELF, OR THROUGH A FRIEND, SHELTER OR ACCESSIBLE PUBLIC PLACE, AND THE AU ALSO HAS NO TRANSPORTATION AND IS LIVING IN A RURAL SETTING THAT MAKES PUBLIC TRANSPORTATION UNFEASIBLE.~~

1/1/17

b.

The permanent housing located by the AU ~~XXXX XX~~ is not yet available for occupancy within the 21-day temporary shelter period.

(C) Temporary shelter benefits shall be issued while the AU is cooperating, as outlined in Section 44-211.524 (f) (3) (B) regarding housing search.

(D) If the AU is not issued temporary shelter benefits because the ~~AU IS UNABLE TO VERIFY THE INFORMATION AND TO VERIFY TO COOPERATE~~, AU has not met the housing search requirement, as outlined in Section 44-211.524 (f) (3) (B), but subsequently the AU meets the requirements, the AU shall continue to receive temporary shelter benefits as otherwise eligible. No payment shall be issued for those days during which noncooperation existed.

10/1/17 (g) (Continued)

AU failed to pay a provider in accordance with this requirement. The county establishes that there is a \$15 overpayment and the subsequent payment is made as a restricted payment.

(2) Example:

The AU receives three nights of temporary shelter in the amount of \$90. The AU returns on the fourth day to request an extension of benefits. The AU provides a receipt that shows the AU stayed in a shelter three nights at a cost of \$15. The AU has met the requirement of staying in a commercial establishment.

(3) Example:

The AU receives \$90 for three nights of shelter. The AU returns on the fourth night for an extension of benefits. The AU provides verification that shows \$100 was spent on two nights of shelter at the XYZ Motel. The third night the AU stayed with a friend at no cost. The AU has met the requirement of staying in a commercial establishment.

HANDBOOK ENDS HERE

.53 (Continued)

.531 (Continued)

.532 (Continued)

(a) (Continued)

(b) (Continued)

(c) In order for the homeless assistance program to be available to meet the cost of security deposits, the recipient must pay the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.

(d) The recipient shall provide verification within 30 calendar days of having received the permanent housing assistance payment of:

(1) The amount expended for permanent housing within 30 calendar days of having received the permanent housing assistance payment.

(2) The payment of the permanent housing assistance to a commercial establishment or a person in the business of renting properties who has a history of renting properties.

~~XX~~ (1) A determination that the payment was not used for permanent housing or used to pay a commercial establishment or a person in the business of renting properties shall result in an overpayment.

.533 (Continued)

.534 (Continued)

.535 If due to an emergency, an AU must move within the 1224-month time limit specified in MPP 44-211.514, the AU shall be allowed to transfer deposits to meet the security deposits for the new residence.

(a) An emergency cannot result from an intentional act on the AU's part.

(b) If the CWD determines that the transfer was within the 1224-month time limit, and not an emergency, refunded deposits shall be treated as liquid resources.

.536 (Continued)

Authority Cited: Sections 10553, 10554, 11209 and 11450(g), Welfare and Institutions Code.

Reference: Sections 11266(a)(2), 11271, 11272, 11450(a)(1), (b), and (c), 11450(f)(2) and 11453.2, Welfare and Institutions Code; 45 CFR 206.10(a)(1)(ii), 45 CFR 206.10(a)(1)(iii)(8), 45 CFR 233.10(a)(1)(iv), 45 CFR 233.20(a)(13), and 45 CFR 234.60(a)(2)-(11).

DRAFT